

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**CONTRACTORS BONDING AND
INSURANCE COMPANY**, an Illinois
corporation,

Case No. 3:21-cv-00497-SB

OPINION AND ORDER

Plaintiff,

v.

**RADIAN CONSTRUCTION
CORPORATION**, an Oregon corporation;
MICHAEL MARTYN, an individual;
MARTYN PROPERTIES, LLC, an Oregon
LLC; and **PACIFIC RIM MARTIAL
ARTS ACADEMY, LLC**, an Oregon LLC,

Defendants.

MOSMAN, J.,

On November 29, 2022, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) [ECF 42] recommending that this Court grant Plaintiff’s Motion for Partial Summary Judgment [ECF 35]. No objections were filed. Upon review, I agree with Judge Beckerman. I GRANT the Motion for Partial Summary Judgment.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but

retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Beckerman's recommendation, and I ADOPT the F&R [ECF 42]. I GRANT the Motion for Partial Summary Judgment [ECF 35].

IT IS SO ORDERED.

DATED this 7 day of January, 2023.



MICHAEL W. MOSMAN
Senior United States District Judge